Remarks

Claims 1, 5, 12, 21 and 25 have been amended to more precisely claim the present invention. Claim 1 has been amended to include the language previously found in claims 9 and 11. Claim 5 has been amended to blend better with amended claim 1. Claim 12 has been amended to include the language previously found in claim 16. Claim 25 has been amended to include the language previously found in claim 29. Claims 9-11, 15-16, and 28-29 have been canceled. Claims 1-8, 12-14, and 17-27 remain pending in the application.

35 U.S.C. §102

The Examiner rejected claims 1 through 14, 17, 18, and 20 under 35 U.S.C. 102(b) as being anticipated by the article "Network Caching Guide: Optimizing Web Content Delivery" by Michael A. Goulde (hereafter "Goulde reference"). The Goulde reference generally describes network caching techniques to optimize content delivery in a network by identifying objects that are static and dynamic in nature and then caching those static objects for quicker deliver to a client. Each object as described throughout the Goulde reference appears to be an entire document, file, or web element.

In contrast, the present invention as now claimed in amended claims requests are responded to on a network by dividing individual documents or objects into static and dynamic portions. This dividing process is done outside the client in a "clientless" manner such that the client does not need additional functionality to handle differentially cached documents. A software element outside the client identifies the dynamic and static portions of the document. The static portions of the document are stored and served from in a cache memory logically close to the client and the dynamic portions of the document are served from the originating server or at least a server that may not be logically close to the client. When served the two portions, the same software element or another one that is not part of the client integrates the portions together to form the requested document. In other words, the present invention as claimed describes a content delivery method that goes beyond the teachings in the Goulde reference by identifying and dividing up individual documents into static and dynamic portions outside the client such that the client does not need to know about or handle integrating

-7-

portions of a document. Subsequently, the static portions are cached to logically local memory and integrated with the dynamic portions with a software element outside the client. In short, the Goulde reference does not teach manipulating static and dynamic portions of a single document in a "clientless" manner as specified in independent claims 1 and 12.

Claims 2-8 depend from claim 1 and therefore are allowable over the Goulde reference for the same reasons that claim 1 is allowable. Claims 13-14, 17, 18, and 20 depend from claim 12 and therefore are allowable over the Goulde reference for the same reasons that claim 12 is allowable.

Therefore, under 35 U.S.C. 102(b), the Goulde reference fails to teach the present invention as claimed in claims 1-8, 12-14, 17, 18, and 20 and withdrawal of this rejections is respectfully requested.

35 U.S.C. §103

Claims 15, 16, 19, and 21-29 were rejected under 35 USC §103(a) as being unpatentable over the Goulde reference. In view of the amendments to independent claims 12, 21 and 25, the Applicant respectfully suggests that the Goulde reference fails to teach or suggest all the claim limitations of the amended claims. With respect to claims 15, 16, 19, and 21-29, the Examiner stated that many of these claimed features are matters of obvious design choices or would have been obvious to one of ordinary skill in the art at the time the invention was made. The Applicant respectfully disagrees with the Examiner's statements. These statements by the Examiner are akin to taking Official Notice of what is know or not known in the art. As such, the Applicant requests that these statements be withdrawn by the Examiner or references be provided by the Examiner which teach these elements of the presently pending claims.

As stated previously when discussing independent claims 1 and 12, the Goulde reference fails to suggest or teach all of the elements of the presently pending independent claims 12, 21, and 25. For example, the Goulde reference does not teach identifying and dividing up an individual document into static and dynamic portions with a software element or memory outside the client. Subsequently, the software element

-8-

or memory outside the client integrates a static portion cached in logically local memory and a dynamic portion from the network. In other words, the Goulde reference does not teach manipulating static and dynamic portions of a single document in a "clientless" manner as specified in the independent claims 12, 21, and 25.

Claim 19 depends from claim 12 and therefore are allowable over the Goulde reference for the same reasons that claim 12 is allowable. Claims 22-24 depend from claim 21 and therefore are allowable over the Goulde reference for the same reasons that claim 21 is allowable. Claims 26-27 depend from claim 25 and therefore are allowable over the Goulde reference for the same reasons that claim 25 is allowable.

Therefore, under 35 USC §103(a) the Goulde reference fails to teach the present invention as claimed in claims 19 and 21-27 and withdrawal of this rejection is respectfully requested.

The Applicant has reviewed the other references cited the by Examiner and determined that they do not teach or suggest the present invention.

Conclusion

On the basis of the foregoing, Applicant respectfully submits that claims 1-8, 12-14, and 17-27 are now believed to be in condition for allowance. Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Respectfully submitted,

DIGITAL RIVER, INC.
By its agents:

NORTH OAKS PATENT AGENCY
45 Island Road
North Oaks, Minnesota 55127
(612) 850-1688

Date: _6 March 2006_   By _____

Shawn B. Dempster, Registration No. 34,321

C:\NOPA\Clients\Digital River D33\D33-017-01-US - Content Delivery Network Using Differential Caching\060306 response to oa.doc

-9-